

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMREP CORPORATION,

Plaintiff,

vs.

Civ. No. 98-888 LH/WWD

LIBERTY MUTUAL INSURANCE COMPANY,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel Production of Documents filed December 18, 1998 [docket no. 19]. Plaintiff seeks to compel Defendant to produce documents in response to Document Requests 3, 6, 7 and 8 of Plaintiff's First Request for Production of Documents. The production is sought at the offices of Plaintiff's counsel in New York, New York. I will deal with each of the requests for production separately.

Request for Production 3

This request seeks "[a]ll documents regarding, generated in, collected for or referenced in the underwriting or sale of policy numbers LG1-121-055197-024, LG1-121-055197-025, or LG1-121-055197-026, or any endorsements to those insurance policies, and all documents in the underwriting files for those policies, however such files are denominated by you."

Defendant objects to this request "on the basis that it is overly broad and burdensome and that it seeks information which is not relevant to the subject matter in this lawsuit or to

discovery.” Defendant does undertake to produce copies of the policies themselves as requested in Request for Production 5.

This request is tailored specifically to matters involved in this lawsuit. Defendant’s objections are not well taken and they should be overruled.

Request for Production 6

This request seeks “[all] manuals, memoranda or otherwise written guidelines generated or effective during the period 1980 to the present, in Liberty Mutual’s possession or available to Liberty Mutual, regarding underwriting of casualty or liability insurance policies.” Defendant objects saying that the request is “vague, overly broad and burdensome and not limited as to geographic scope and time.” Defendant also objects that the information is not relevant and that it would force disclosure of confidential information or trade secrets.

I find that Request for Production 6 is overly broad, and without addressing the other objections, I decline to order the production which is sought.

Request for Production 7

This request seeks “[a]ll manuals, memoranda or otherwise written guidelines generated or effective during the period 1980 to the present, in Liberty Mutual’s possession or available to Liberty Mutual regarding the ‘Broad Form Comprehensive General Liability Endorsement’ and ‘Broad Form Property Damage Liability Coverage.’” Defendant objects to the request saying that it is “vague and ambiguous as to the use of the terms ‘regarding’”, and that the request is overly broad and burdensome, irrelevant, and seeks confidential information or trade secrets. Again, I find that the request embodied in Request for Production 7 is overly broad, and I decline to order the production which is sought.

Request for Production 8

Request for Production 8 seeks “[a]ll manuals, memoranda or otherwise written guidelines generated or effective during the period 1980 to the present, in Liberty Mutual’s possession or available to Liberty Mutual regarding the investigation or handling of claims or occurrences under casualty or liability insurance policies.” Defendant objects to the request saying that it is “overly broad and burdensome.” I agree, and I find no need to address the other objections made.

WHEREFORE,

IT IS ORDERED that on or before January 8, 1999, Defendant shall produce to Plaintiff, at the offices of Sutin, Thayer and Browne, in Albuquerque, New Mexico, all documents regarding, generated in, collected for or referenced in the underwriting or sale of policy numbers LG1-121-055197-024, LG1-121-055197-025 and LG1-121-055197-026; provided, that to the extent that copies of the particular policies enumerated above have been produced pursuant to Request for Production 5, this production need not be duplicated.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Compel Production of Documents with respect to Requests for Production 6, 7 and 8 be, and it is hereby, DENIED.


UNITED STATES MAGISTRATE JUDGE